

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Before the Board of Patent Appeals and Interferences

Atty Dkt. CC-36-2005

C# M#

Confirmation No. 9543

TC/A.U.: 2166

Examiner: B. Witzenburg

Date: June 8, 2009

Title: CONTENT PROVISIONING METHOD AND SYSTEM



In re Patent Application of

FARR et al.

Serial No. 10/591,349

Filed: August 31, 2006

Title: CONTENT PROVISIONING METHOD AND SYSTEM

**Mail Stop Appeal Brief - Patents**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

 **Correspondence Address Indication Form Attached.** **NOTICE OF APPEAL**

Applicant hereby **appeals** to the Board of Patent Appeals and Interferences from the last decision of the Examiner twice/finally rejecting \$540.00 (1401)/\$270.00 (2401) \$ applicant's claim(s).

Replacement Section (III) of the appeal **BRIEF** filed April 3, 2009 is attached in the pending appeal of the above-identified application.

**Appeal Brief Fee filed previously on April 3, 2009.** \$540.00 (1402)/\$270.00 (2402) \$ 0.00

Credit for fees paid in prior appeal without decision on merits -\$ ( )

A reply brief is attached. (no fee)

Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s)

One Month Extension \$130.00 (1251)/\$65.00 (2251)

Two Month Extensions \$490.00 (1252)/\$245.00 (2252)

Three Month Extensions \$1110.00 (1253)/\$555.00 (2253)

Four Month Extensions \$1730.00 (1254)/\$865.00 (2254) \$ 0.00

"Small entity" statement attached.

Less month extension previously paid on -\$ ( )

**TOTAL FEE ENCLOSED** \$ 0.00

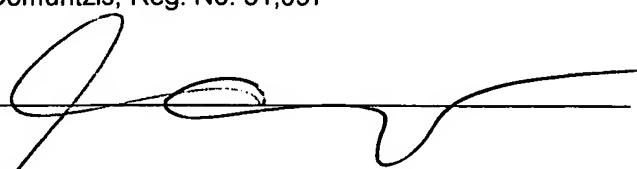
 **CREDIT CARD PAYMENT FORM ATTACHED.**

Any future submission requiring an extension of time is hereby stated to include a petition for such time extension.

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140.

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NIXON & VANDERHYE P.C.  
By Atty: Chris Comuntzis, Reg. No. 31,097

Signature: 

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**RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF**

Sir:

Responsive to the Notification of Non-Compliant Appeal Brief mailed May 8, 2009, corrected replacement section (III) to the Appeal Brief filed April 3, 2009, which expressly lists the status of all claims involved in Section (III) of the appeal brief, has been provided to overcome the objections noted in the notification of Non-Compliant Appeal Brief.

An early and favorable consideration is solicited.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By: \_\_\_\_\_

  
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(III) **STATUS OF CLAIMS**

Claims 1-16 and 18-34 are pending and have been rejected. Claim 17 has been canceled. No claims have been substantively allowed. All of rejected claims 1-16 and 18-34 are being appealed.